



RLL-178US

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Applicant: KUMAR *et al.*

Examiner: Micah Paul Young

Application No.: 09/888,268

Group Art Unit: 1615

Filing Date: June 22, 2001

Title: BIOAVAILABLE DOSAGE FORM OF LORATADINE

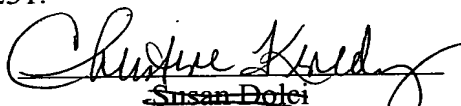
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~~Susan Dole~~  
CHRISTINE KENEEDY

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated August 26, 2002, submitted herewith is a Petition for Extension of Time from November 26, 2002 to December 26, 2002. This Petition includes an authorization to charge the required fee.

REMARKS

Reconsideration of the application in view of the following remarks is requested.

The Examiner rejected claims 1-18 under 35 U.S.C. 103(a) as allegedly *prima facie* obvious over Ayer et al. (U.S. Patent 3,980,778, hereinafter "Ayer") in view of Vilkov et al. (U.S. Patent 5,807, 579, hereinafter "Vilkov"). According to the Examiner, Ayer discloses a drug formulation containing an active ingredient which can be an antihistamine and the active agent is ball milled to sizes below 5 microns, while Vilkov discloses a pharmaceutical tablet containing loratadine. The Examiner also contends that it is known in the art that in order to